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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/084,572

02/27/2002

David Louis Kaminsky

7957

7590

10/11/2006

David Louis Kaminsky  
102 Middlebrook Court  
Chapel Hill, NC 27514

EXAMINER

JONES III, CLYDE H

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/084,572

Applicant(s)

KAMINSKY ET AL.

Examiner

Clyde H. Jones III

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claim 47-69 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 47-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houston (US 6,353,020 B1) and Kirsch et al. (US 2005/0125416 A1).

Regarding claims 47, 58 and 69, Houston teaches a system and corresponding computer-implementable method for measuring access patterns of content transmitted from a server (web server, cable headend, radio station, etc.; col. 11, lines 20-25; 110-120 –fig.1), comprising the step of:

A) Inserting into the content (media objects) a tracking identifier (identification tag) (col. 8, lines 33-38; col. 12, lines 19-23; col. 14, lines 16-31; col. 15, lines 50-53; col. 16, lines 10-12; col. 17, lines 60-65; col. 18, lines 41-47) comprising a URL, said URL containing an information identifier (col. 11, lines 21-24; col. 17, lines 5-10; col. 18, lines 40-44; col. 23, lines 23-29);

B) Transmitting from the server the content containing the tracking identifier (col. 8, lines 44-46; col. 11, lines 9-11 & col. 12, lines 46-65; col. 12, lines 6-11; col. 14, lines 36-56; col. 15, lines 3-5 & 33-39; col. 17, lines 44-49; col. 22, lines 51-57; col. 23, lines 15-17; col. 23, lines 46-49) to a receiving device (Panel Member device 400 – fig. 1/ 205 – fig. 2).

However, Houston fails to specifically disclose an indication of a tracking server's location.

In an analogous art Kirsch teaches it is desirable to provide an indication of a tracking servers location in an URL (par. 44, lines 9-17; par. 46, lines 5-13; par. 49-51; 55-56) with content identifying information (par. 68, lines 4-12; par. 73) for tracking and redirecting clients that access interactive information/advertisements (par. 79; par. 53, lines 6-7).

Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Houston to include an indication of tracking server's location.

Regarding claims 48, 49, 50, 59, 60, and 61, Houston in view of Kirsch teach the industry standard code (ISCI code) is defined by AAAA (Houston-col. 18, lines 6-7; in which ISCI code/system is owned/operated/defined by the AAAA).

Regarding claims 51, 52, 62 and 63, Houston in view of Kirsch teach

A) Receiving at the receiving device (Panel Member device 400 – fig. 1/ 205 – fig. 2) the content containing the tracking identifier (Houston-col. 8, lines 44-46; col. 11,

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lines 9-11 & col. 12, lines 46-65; col. 12, lines 6-11; col. 14, lines 36-56; col. 15, lines 3-5 & 33-39; col. 17, lines 44-49; col. 22, lines 51-57; col. 23, lines 15-17; col. 23, lines 46-49);

B) Extracting from the content the tracking identifier (Houston-col. 8, lines 39-43; col. 11, lines 9-25; col. 12, lines 6-15; col. 12, lines 43-45; col. 14, line 67-col. 15, lines 5; col. 15, lines 33-38; col. 17, lines 44-52; col. 19, lines 50-54; col. 22, lines 51-58; col. 23, lines 19-20); and

D) Transmitting the tracking identifier from the client to the server the (Houston-col. 8, lines 39-46; col. 8, lines 63-66; col. 12, lines 19-23; col. 14, lines 20-26; col. 15, lines 50-54; col. 16, lines 48-51 & 60-65; col. 18, lines 59-67; col. 21, lines 22-27 & 63-66; Kirsch-par. 46, lines 5-12; par. 51; par. 61, lines 6-24; par. 74).

Regarding claims 53 and 64, Houston in view of Kirsch teach the web server records the URL in the web server's log file (Houston - col. 14, lines 20-24; col. 15, line 59-col. 16, line 6; col. 16, lines 47-51 & 60-64; col. 17, lines 5-10; col. 18, lines 59-67; col. 11, lines 21-24; col. 17, lines 49-55; Kirsch – par. 65,61).

Regarding claims 54, 55, 65 and 66 and 65, Houston in view of Kirsch teach transmitting the enhancement/tracking identifier in intervals on the channel (Houston-col. 13, lines 1-4) however they fail to specifically disclose encoding in the VBI according to ATVEF standard.

However the examiner takes Official Notice that it was well known at the time of the applicant's invention to encode enhancement type data including URL in the VBI in accordance with the ATVEF standard which provides a specification on how to embed URLs in the VBI [*as evidenced by Brunheroto et al. US 2002/0087969; par. 63*].

Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Houston in view of Kirsch to include encoding in the VBI according to ATVEF standard for the added advantage of conforming to a well known standard that is readily available which reduces cost to implement and deploy the system.

Regarding claims 56, and 67, Houston in view of Kirsch teach the content is digital (Houston-col. 8, lines 21-27; col. 14, lines 41-44).

Regarding claims 57 and 68, Houston in view of Kirsch teach the content is analog (col. 8, lines 25-26; in which Houston teaches CATV and broadcast TV/Radio; the Examiner broadly interprets CATV and over-the-air broadcast to include analog content such as NTSC broadcast TV).

### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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